

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PROCAPUI-PRODUCTORES DE CAMAROES :  
DE ICAPUI LTDA., :

Plaintiff, :

v. :

MARCIAL GERALD LAYANI, ET AL., :

Defendants. :  
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**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

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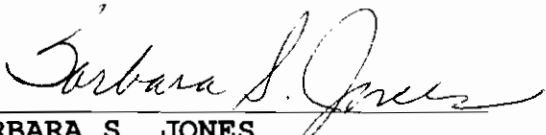
**Order**

By letter dated October 22, 2007, Defendants G.F. Higgins Inc., Theresa Higgins as Executrix of the Estate of Gerald Francis Higgins, Thomas Higgins and Robert Higgins (collectively, the "Higgins Defendants") informed the Court that a number of discovery notices have been made by Plaintiff in this matter. Plaintiff is directed to withdraw any and all requests for discovery as the parties have not yet conferred as required by Federal Rule of Civil Procedure 26(f). See Fed. R. Civ. P. 26(d) ("[A] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)."). The requests are improper at this time and may be considered void by those parties and third-party witnesses to whom they are directed.

The Higgins Defendants' motion to dismiss is currently pending before this Court, but, to date, no motion to stay

discovery pending that motion has been made. Accordingly, the case will again be referred to the Magistrate Judge for general pretrial purposes, including the Rule 26(f) conference and any discovery-related motions or disputes.

**SO ORDERED:**

  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
October 23, 2007